

12-31-02

DAC #6

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: BRADBURY F. GOLLEDGE ART UNIT:
SERIAL NO.: 09/869,188 EXAMINER:
FILED: CONCURRENTLY HEREWITH
P.C.T. APPLICATION NO.: PCT/AU99/01144
P.C.T. INTERNATIONAL FILING DATE: DECEMBER 22, 1999
U.S. NATIONAL FEE PAID: JUNE 21, 2001
TITLE: STRUCTURAL FRAMEWORK MEMBER FOR SUSPENDED FLOOR
SYSTEMS

PETITION TO REVIVE ABANDONED APPLICATION
UNDER THE PROVISIONS OF 37 C.F.R. §1.137(b)

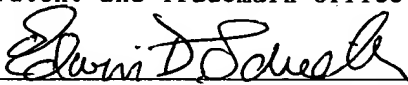
Hon. Commissioner for Patents
United States Patent and Trademark Office
Box PCT
Washington, D. C. 20231

Dear Sir:

Applicant respectfully petitions the Commissioner for
Patents to revive the above-identified patent application,
pursuant to 37 C.F.R. §1.137(b), on the ground that such
application was unintentionally abandoned (i.e., the entire

"Express Mail" mailing label number EU 478877105 US
Date of Deposit December 30, 2002

I hereby certify that this paper is being deposited with the
U.S. Postal Service "Express Mail - Post Office to Addressee"
service under 37 C.F.R. §1.10 on the date indicated above and
is addressed to: Hon. Commissioner for Patents, United States
Patent and Trademark Office, Washington, D. C. 20231.


Edwin D. Schindler, Reg. No. 31,459 December 30, 2002
Date

1/03/2003 CV0111 0000001 09869188

1 FC:2453 640.00 OP
2 FC:2051 65.00 OP

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period of delay in meeting the outstanding requirements for entry into the U.S. National Phase of the above-identified P.C.T. application was unintentional) for the reasons specified in this Petition.

The above-identified P.C.T. international application, designating the United States, was filed on December 22, 1999, and validly claimed foreign priority on the basis of a patent application filed in Australia on December 22, 1998. A Demand for an International Preliminary Examination under Chapter II was timely filed, and the U.S. National Fee (small entity fee) for entry of the P.C.T. application into the United States was timely paid on June 21, 2001.

On July 30, 2001, the Patent and Trademark Office issued its "Notification of Missing Requirements under 35 U.S.C. 371," which set an extendable two-month deadline of September 30, 2001, for filing the requisite Declaration and remitting surcharge fee for filing the Declaration subsequent to the 30th-month deadline.

Notwithstanding the initial deadline and all possible extensions of such deadline under 37 C.F.R. §1.136(a), an originally-executed Declaration for this application was not received from the undersigned's Australian patent associate until only recently.

Thus, the above-identified patent application went

"abandoned" after September 30, 2001, when the originally-executed Declaration and attendant surcharge fee for filing the Declaration were not filed with the Patent and Trademark Office for completing the entry of P.C.T. Application No. PCT/AU99/01144 into the U.S. National Phase.

It would seem that the undersigned's Australian patent associate has had some measure of difficulty in obtaining an executed Declaration from the inventor named in this application. In addition, there would appear to have been a mix-up as to whether the present application was intended for the above-identified patent application or that of Application Serial No. 09/889,985, for which a Declaration remains outstanding.

It would further appear that in this particular case, the undersigned's Australian patent associate was unable to meet the original deadline for forwarding the Declaration for this application to the undersigned for filing with the Patent and Trademark Office, in part, because of a massive (and very impressive) workload, thereby necessitating the filing of this Petition to Revive.

The undersigned attorney-of-record has been working with his Australian patent associates to try to "clean up" a number of cases in which Declarations in various P.C.T. applications remain outstanding, or have not been timely obtained from the ultimate client. This is one such case and there

are, perhaps, one or two more for which the undersigned and his Australian associate are trying to "chase down" in as timely a manner as possible.

Finally, the undersigned attorney-of-record, arguably, delayed in securing the Declaration from the inventor for filing with the Patent and Trademark Office by not having provided as timely a reminder that the Declaration for this application remained outstanding. To the extent that the undersigned could have done more to expedite the filing of this Declaration for completion of the requirements for entry into the U.S. National Phase, the entire period of such delay on the part of the undersigned attorney-of-record was clearly and unequivocally unintentional.

In support of this Petition to Revive, Applicant hereby submits the following documents and a check in the amount of \$705.00 to cover the fees listed below:

1. The Petition to Revive fee of \$640.00 (Small Entity), as per 37 C.F.R. §1.17(m).
2. A proposed response to the outstanding requirement is enclosed, as follows:
 - (a) Copy of the "Notification of Missing Requirements under 35 U.S.C. 371," dated July 30, 2001;
 - (b) Declaration/Power of Attorney; and,
 - (c) The Surcharge fee of \$65.00 (Small Entity) for sub-

mission of the requisite Declaration more than 30 months from the claimed date of foreign priority.

The Office is hereby authorized to charge any additional fees which may be due in connection with the prosecution of the above-identified patent application to the undersigned's Deposit Account (Account No. 19-0450). A duplicate of this paper is enclosed for billing purposes.

With the concurrent submission of the foregoing documents and fees, Applicant respectfully submits that all outstanding requirements for entry of the above-identified P.C.T. international application into the U.S. National Phase are now satisfied.

I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this petition is directed.

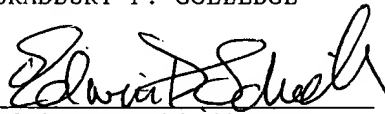
It is, therefore, respectfully submitted that the above-identified patent application should be held as being

"unintentionally" abandoned, i.e., that the entire period of delay in filing the Declaration in completing the entry of the above-identified P.C.T. international application into the U.S. National Phase was unintentional, for the reasons specified in this Petition, and that prosecution of the above-identified P.C.T. international application should be resumed and accepted into the U.S. National Phase for a national patentability examination.

Such favorable action is respectfully requested and earnestly solicited.

Respectfully submitted,

BRADBURY F. GOLLEDGE

By 
Edwin D. Schindler
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Reg. No. 31,459

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December 30, 2002

The Commissioner is hereby authorized to charge the Deposit Account of Applicant's Attorney, Account No. 19-0450, for any additional fees which may be due in connection with the prosecution of the present application, but which have not otherwise been provided for.